

FILED

14 JUL 21 PM 3:17

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

169 DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 12cr4710-WQH

Plaintiff,

AMENDED ORDER OF
CRIMINAL FORFEITURE

v.

DANIEL MALAQUIAS-MENDOZA (1),

Defendant.

On April 15, 2014, this Court entered its Preliminary Order of Criminal Forfeiture, which condemned and forfeited to the United States all right, title and interest of DANIEL MALAQUIAS-MENDOZA (1) in the property listed in the Bill of Particulars and Plea Agreement, namely,

\$125,643.00 of the \$175,643.00 in U.S. Currency that was seized from Defendant DANIEL MALAQUIAS-MENDOZA (1). The United States agreed to return \$50,000.00 to the Defendant.

For thirty (30) consecutive days ending on May 18, 2014, the United States published on its forfeiture website, www.forfeiture.gov, notice of the Court's Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and further notifying all third parties of their right to petition the Court within thirty

//

1 (30) days of the final publication for a hearing to adjudicate the validity of their
 2 alleged legal interest in the property.

3 On May 30, 2014, Notice of Order of Forfeiture was sent by certified mail as
 4 follows:

	<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
6	Alfredo Martinez-Villasenor (2) c/o Frederic J. Warner Attorney at Law 11755 Wilshire Blvd., Ste. 1500 Los Angeles, CA 90025	7013 1090 0001 1253 4618	Signed for as received on 6/3/14.
9	Francisco Villasenor-Ortiz (3) c/o Michael R. McDonnell Attorney at Law 418 East La Habra Boulevard La Habra CA 90631-5525	7013 1090 0001 1253 4625	Signed for as received on 6/4/14.
12	Miguel Mendoza-Mendoza (4) c/o Kevin R. Riva Attorney at Law 3055 Wilshire Blvd., Suite 900 Los Angeles CA 90010	7013 1090 0001 1253 4632	Signed for as received on or about 6/4/14.
15	John Philip Lombardo (5) c/o Elliott N. Kanter Attorney at Law 2445 Fifth Avenue, Suite 350 San Diego CA 92101	7013 1090 0001 1253 4649	Signed for as received on or about 6/2/14.
18	Roberto Valencia-Martinez (6) c/o Adam M. Ruben Attorney at Law 934 23rd Street San Diego CA 92102	7013 1090 0001 1253 4656	Signed for as received on 6/2/14.
21	Luz M. Mendoza 27210 Citrus Avenue Perris CA 92571-7441	7013 1090 0001 1253 4663	Signed for as received on 6/2/14.

24 Thirty (30) days have passed following the final date of notice by publication
 25 and notice by certified mail, and no third party has made a claim to or declared any
 26 interest in the forfeited property described above.

27 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
 28 that, as a result of the failure of any third party to come forward or file a petition for

1 relief from forfeiture as provided by law, all right, title and interest of DANIEL
2 MALAQUIAS-MENDOZA (1) and any and all third parties in the following
3 property are hereby condemned, forfeited and vested in the United States of
4 America:

5 \$125,643.00 in U.S. Currency.

6 IT IS FURTHER ORDERED that any and all interest of the following persons
7 and entities are specifically terminated and forfeited to the United States of America
8 as to the above-referenced property:

9 Alfredo Martinez-Villasenor (2)
10 Francisco Villasenor-Ortiz (3)
Miguel Mendoza-Mendoza (4)

John Philip Lombardo (5)
Roberto Valencia-Martinez (6)
Luz M. Mendoza;

11 IT IS FURTHER ORDERED that costs incurred by the United States
12 Marshals Service, the Drug Enforcement Administration and any other governmental
13 agencies which were incident to the seizure, custody and storage of the property be
14 the first charge against the forfeited property.

15 IT IS FURTHER ORDERED that the United States Marshals Service shall
16 dispose of the forfeited property according to law.

17 DATED:

18 7/19/14

19 WILLIAM Q. HAYES, Judge
United States District Court

20
21
22
23
24
25
26
27
28